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AN ACT
For the Encouragement
OF
EDUCATION,
Passed the Legislature of Nova-Scotia,
March 28, 1850.

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AN ACT For the Encouragement of Education.

BE IT ENACTED, by the Lieutenant Governor, Council, and Assembly as follows :

1. The Governor in Council shall appoint during pleasure, a Provincial Superintendent of Education, and for each of the Counties and Districts named in the annexed Schedule A, five or more Commissioners of Schools ; and for every Academy now or hereafter to be established, three or more Trustees.

2. The Commissioners, of whom three shall be a quorum, shall divide the said places respectively into convenient School Districts, after due public notice of the intended division, and consideration of xxx objections made by persons concerned, whenever the same shall not have been already divided and laid off, and may alter the Districts as occasion may require, and shall call Public Meetings of the Rateable Inhabitants of the Districts respectively, at which they shall elect three School Trustees for the District, and the Commissioners shall furnish to the Trustees and Teachers, descriptions of the Districts respectively.

3. The Trustees of every School District shall be a body corporate, for the prosecution and defence of all actions relating to the School or its affairs, and shall be distinguished by the title of " Trustees of School District, No. ," and have the possession of the School House and Property.

4. The Commissioners shall appoint a Clerk during pleasure, who shall not be engaged in Trade, and who shall give Bond with two sufficient Sureties, for the performance of his duties, and keep the Accounts, Monies, and Records of the Board, and he shall receive for each Licence to Teachers, Two Shillings and Sixpence, and five per cent. on the actual disbursement of the Board, not to exceed in the whole Twenty-five Pounds in any one year.

5. When the Inhabitants of any District shall have provided one or more sufficient School Houses, and the Trustees by distinct written contract engaged the services of one or more competent Teachers for the District, Male or Female, at a specific remuneration to instruct the Children therein, in Reading, Writing, and Arithmetic, the elements of English Grammar and Geography, for a period not less than three months, the Com-

missioners, upon the application of the Trustees, shall enter the School on a List to be kept by them, for participation in the Sum by the Act allowed for the support of Common Schools.

6. The Commissioners shall examine all School Teachers, and grant to such of them as they shall consider duly qualified, and of good character, Licences to teach within the respective districts, and no Teacher shall, without such Licence, receive any portion of the sum granted by this Act. The Superintendent, and also every Licenced Teacher while engaged as such, shall be exempted from the performance of Statute Labor on the Highways, and from Militia Duty, from serving in any Town Office, or on Juries, and also from the payment of all County, Poor, or City Rates.

7. The Trustees of every School, seeking aid under this Act, shall render half yearly to the Commissioners, a true account of the number, names, sexes, and ages of the Scholars taught in such School, and the average number of Scholars, who have attended during the period since the last return, the branches in which they have been instructed, the Books they have used, their progress in Education, the amount and particulars of the income and expenditure of the School, the amount of Salary of the Teacher, and in what manner the same is paid, and shall certify that the sum to be received from the Commissioners by the Trustees, is payable to the Teacher for his own use, and that the engagements entered into with the Trustees by the persons applying for such Schools have been performed; and shall furnish to the Commissioners a certificate from the Teachers respectively, duly attested on oath, that no part of the Salary of such Teachers has been collusively withheld, and that the representations and engagements have been made in good faith, and not merely to procure a portion of the allowance granted by this Act.

8. If a Trustee or Teacher shall wilfully render a fraudulent or incorrect account or statement on any Return, Report, Certificate, or Affidavit, required under the provisions of this Act, for the purpose of obtaining Provincial aid for any School, or for any Teacher or Trustee, whether the said Schools are common or Grammar Schools or Academies, such Trustee or Teacher shall be liable to a penalty of Five Pounds, to be recovered by the Clerk or the Commissioners, in a summary manner, before two Justices of the Peace, with costs, and to be applied one half to his own use, and the other half to the Commissioners for the general purposes of this Act.

9. The Trustees of any School District may call a Public

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Meeting of the Rateable Inhabitants within its limits, after written notice given by the Trustees for at least twenty days previously, in five or more public places in the District; and if a majority of the Rateable Inhabitants present at the time agree to raise money for the support of one or more Schools by Assessment, or for the purchase of Land whereon to erect School houses, or for the building or repairing School-houses, they shall then appoint three Assessors, who shall forthwith proceed to assess the amount voted at such Meeting upon the Inhabitants of the District, by an even and equal rate upon every such Inhabitant in proportion to his ability; and shall make up and return such Assessment to the General Sessions of the Peace for the County or District, or to any special Sessions to be held for that purpose; at which General or Special Sessions appeals from any such Rate may be heard and determined, and all such rates shall be collected, and such other and further proceedings had in relation thereto as by Law prescribed in case of Poor Rates.

10. There shall be annually granted the sum of One Thousand Seven Hundred Pounds towards the support of Academies and Grammar Schools to be applied under the provisions of this Act, amongst the several places and in the proportions specified in Schedule A, hereto annexed; the sums allotted for Grammar Schools to be subdivided among not less than two nor more than four Schools in each County, in such proportions as may be directed by the Commissioners of Schools in the several Counties or Districts, except as may be otherwise provided in Schedule A; but no Grammar School shall receive less than Twenty Five Pounds; and there shall be annually granted the further sum of Eleven Thousand One Hundred and Seventy Pounds towards the support of Common Schools, to be applied under the provisions of this Act amongst the several places, and in the proportions specified in the Schedule B. hereto annexed.

11. The Commissioners shall draw half yearly from the Public Treasury the sums of this Act allowed for the places respectively, and shall apportion the sums allowed for Common Schools according to the sums raised by the Inhabitants of the District, and the number of useful branches taught therein, having regard to the nature, amount and quality of the Instruction, and the amount paid by the people of the District towards the Salary or Fees of the Teachers, and the Commissioners shall exclude any District from participation in the Public grant if it shall appear that the Inhabitants have not according to their ability, provided and paid for a Teacher and kept the School

House in repair. Before distributing the Common School Fund the Commissioners shall annually apply such sum, not exceeding one sixth of the whole fund at their disposal, as may be necessary for Schools in poor or thinly peopled settlements on such terms as they may think reasonable. There shall always be gratuitously taught in every Common School, Grammar School or Academy, receiving aid under this Act, as many Poor Scholars, not exceeding eight, as the Commissioners and Trustees respectively shall see fit to send.

12. The Commissioners shall return to the Governor, on or before the Thirty First day of December in every year, a true account and Report of their proceedings, and of the monies by them received and distributed, and such other Returns as may be directed by the Governor, and shall certify that the same is to the best of their belief correct in every particular, and that they have distributed the Provincial Money impartially and faithfully.

13. Where Grammar Schools are authorised under this Act, the allowance therefore shall only be paid under the conditions following, that is to say; that a good and substantial School House, in a situation to be approved by the Commissioners, shall be erected and completed to their satisfaction. Secondly, that a Salary not less than Forty Pounds a year shall be subscribed by the Inhabitants, and secured to the satisfaction of the Commissioners, for the Teacher of such Grammar School during the continuance thereof. Thirdly, that the Teacher to be engaged therein, before that School shall be admitted on the list of Grammar Schools, shall be qualified, examined, and approved, as hereinmentioned, and shall be competent to teach in addition to the ordinary branches, Algebra and Land Surveying, and when the same shall be required by the Commissioners, Navigation, the Classics, Agricultural Chemistry, one or more of the Modern Languages, and some of the practical branches of the Mathematics, and on the fulfilment of the said conditions the Commissioners may enter such School on the list as a Grammar School.

14. At Grammar Schools receiving aid under this Act, there shall in addition to Reading, Writing, Arithmetic, Geography, English Grammar, History and Composition, be taught Land Surveying, Navigation, and the Mathematics, whenever any pupil shall require to be instructed therein, and also the Classics, one or more of the Modern Languages, and Agricultural Chemistry, whenever it shall be found practicable to introduce the same; and no Grammar School shall receive any allowance

under this Act, unless the Trustees shall have actually received by the contributions of the People, and tuition fees, at least Forty Pounds per annum towards the payment of the Teacher, and unless at least twenty Scholars shall be regularly and constantly taught therein throughout the year, of whom not less than Ten shall regularly and constantly receive instruction in the above enumerated higher branches, or some of them.

15. Schools wherein the ordinary Instruction may be wholly or in part communicated in the French, German, Gaelic, or other Languages, shall be entitled equally to participate in the Provincial allowance with Schools where the English Language is exclusively used, provided such Schools are in other respects entitled to such participation.

16. At all Academies receiving assistance under this Act, instruction shall be in the Classics, Agricultural Chemistry, given the practical branches of the Mathematics, Algebra, Geography, English Grammar, History, and Composition, and also in one or more of the Modern Languages.

17. The Trustees of Academies may make Bye Laws for the Regulation thereof, which shall be transmitted within one month from the time of their being made to the Governor, for his approbation in Council, and shall have no effect until such approbation is signified:

18. The Trustees of Academies receiving aid under this Act, shall make up and return on or before the Thirtieth day of June and the thirty first day of December, in every year, an accurate account of all sums received and expended by them, whether from Legislative Grant or otherwise, with a report of the names and ages of the pupils, and of the course of Instruction and other particulars concerning such Academy, and its progress and management, in such form as the Governor in Council may from time to time direct.

19. The Trustees of Academies and Grammar Schools receiving aid under this Act, shall hold public Examinations, twice in every year, of the pupils or scholars contained therein, of which Examinations public notice shall be given, so that the same may be attended by all persons desirous of being present thereat.

20. No Academy shall receive any allowance under this Act, unless the Trustees shall have actually received, by contribution of the people, and Tuition fees, at least One Hundred Pounds per annum in money, toward the payment of the Teacher, and the otherwise sustaining and upholding of the Academy, and unless at least twenty five Scholars shall be regularly and con-

stantly taught therein through the year, of whom no less than ten shall regularly and constantly receive instruction in the Classics, Agricultural Chemistry, one or more of the Modern Languages, the practical branches of the Mathematics, Algebra and Arithmetic, in addition to English Grammar, History, Geography, Composition, and other branches of a higher English Education.

21. The Trustees of Academies, respectively, shall be a Corporate Body, and possess the Academy and its property so far as to prosecute and defend all actions relating thereto, and shall be designated as "the Trustees of the Academy."

22. The Superintendent, as soon and as often as may be, shall visit the different Schools, personally inspect their discipline, enquire into the personal qualifications of Schoolmasters, the Books in use, and the accuracy of Returns and Accounts, and shall make half-yearly, for the information of the Government and the Legislature, a Report of the general state of Education throughout the Province, illustrated by clear and methodical statistical Returns.

23. Meetings shall be held at least once a year, on some day to be appointed by the Superintendent, at which the County or District Commissioners, and all the Teachers licensed by them, may attend, and at which the Superintendent shall preside; at which Meetings each Commissioner or Teacher may discuss freely the subject of Education, and offer suggestions and move Resolutions; the proceedings of such Meetings to be recorded by the School Clerk, who shall furnish the Superintendent with a copy of the same, to be appended to his general Report.

24. A list shall be kept by the Commissioners, of all the Licensed Teachers within their jurisdiction, the length of service of each being noted, and the five most meritorious leaving a mark set opposite their names; such distinction to be conferred by the Superintendent and Commissioners; and a copy of such lists shall be annually furnished by the Clerk to the Superintendent, for the information of the Executive.

25. The Superintendent shall furnish the Commissioners, Trustees and Teachers, with such information as may be necessary, with a view to improvement in the structure of School Houses, their free ventilation, the embellishment of the Grounds on which they stand, the supply of the best Maps, Books, forms of Returns, and means of Illustration, and generally shall exert himself to encourage the formation of Teacher's Institutes, to supply destitute Districts with efficient Teachers, and to establish, so far as may be done without undue interference with,

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the functions of the Commissioners and Trustees, an efficient and uniform system of instruction.

26. The Superintendent may visit all Academies, drawing support from the public funds, inspect their discipline and accounts, offer suggestions for their improvement, and report on their state and efficiency, for the information of the Executive and Legislature.

27. The Governor may advance upon the Requisition of the Superintendent, the sum of Six Hundred Pounds per annum, to be expended in the purchase of improved School Books, Maps, Apparatus and Educational Reports, to be distributed amongst the Boards of Commissioners of the respective Counties and Districts, in the same proportion as the money appropriated for Common Schools is divided by the provisions of this Act; to be distributed by the Commissioners gratuitously among the Poor Schools in their respective Counties or Districts, or otherwise sold at cost price.

28. The Governor may draw from the Treasury, a sum not to exceed Five Hundred Pounds per annum, and apply the same in proportion to population, for the establishment of School Libraries in central and suitable places in each County, under such regulations as to the Governor in Council may seem suitable, such Libraries to be under the charge and control of the Commissioners, and open to the inspection of the Superintendent. Catalogues of the Books selected, shall be returned to the Legislature, upon whose vote any Book deemed objectionable shall be withdrawn.

29. The Superintendent shall be allowed annually two hundred and fifty pounds for his salary, and a further sum of one hundred pounds for the contingencies of his office and travelling expenses, exclusive of postage.

30. Any person may convey or devise Real Estate to the Commissioners for the place where the lands are situated, and duly vest in the Commissioners and their successors in office, the legal estate therein in trust for the purpose of erecting and keeping a School-house thereon, and the Commissioners may sue or be sued in respect thereof, but shall have no control over any School-house on such lands as against the Trustees of the School District, or the inhabitants, other than may be conferred by the conveyance or devise.

31. The Clergy and Magistrates of each County, shall be ex officio visitors of the Schools within the same.

32. No Commissioner shall during his continuance in Office be a Teacher or Clerk.

33. The Act passed in the ninth year of Her Majesty's Reign, entitled an Act for the encouragement of Schools, shall continue in force until the first day of May next, and this Act shall come into operation on the first day of May next, and continue in force for two years from that date.

SCHEDULE A.

Referred to in the First and Tenth Sections of the foregoing Act.

- The District of the City of Halifax.
- The Eastern District of the County of Halifax, fifty pounds for one or two Grammar Schools.
- The Western District of the County of Halifax, fifty pounds for one or two Grammar Schools.
- The County of Lunenburg, one hundred pounds for Grammar Schools.
- The County of Queen's County, one hundred pounds for two or three Grammar Schools.
- The County of Annapolis, one hundred pounds for four Grammar Schools, viz. : at Annapolis, Bridgetown, Paradise and Nictaux.
- The County of King's County, one hundred pounds for Grammar Schools.
- County of Pictou, one hundred pounds for Grammar Schools.
- The District comprising the Township of Parrsborough, and such other portions of the County of Cumberland, as are south of a line to be drawn from the South West Corner of Franklin Manor to the centre of Sand Cove in the Cumberland Bay, twenty-five pounds for one Grammar School.
- The District comprising the residue of the County of Cumberland, seventy-five pounds for two or three Grammar Schools.
- The County of Colchester, one hundred pounds for an Academy.
- The District of Rawdon and Douglas, in the County of Hants, thirty-three pounds, six shillings and eight-pence for one Grammar School.
- The District comprising the residue of the County of Hants, sixty-six pounds, thirteen shillings and four-pence for two Grammar Schools, one to be situate in Newport, and one in the Town plot of Windsor.
- The District of Clare, in the County of Digby, thirty three pounds six shillings and eightpence for one Grammar School.

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The District comprising the residue of the County of Digby, sixty six pounds thirteen shillings and four-pence for one or two Grammar Schools.

The District of Yarmouth, in the County of Yarmouth, sixty-six pounds thirteen shillings and four-pence, for one or two Grammar Schools.

The District of Argyle, in the County of Yarmouth, thirty-three pounds six shillings and eight-pence for one Grammar School.

The District of Barrington, fifty pounds for one or two Grammar Schools.

The District of Shelburne, fifty pounds for one or two Grammar Schools.

The District of Saint Mary's, in the County of Guysborough, thirty-three pounds six shillings and eight-pence for one Grammar School.

The District of Guysborough, sixty-six pounds thirteen shillings and four-pence for two or three Grammar Schools.

The County of Sydney, one hundred pounds for Grammar Schools.

The County of Cape Breton, one hundred pounds for three Grammar Schools.

The County of Richmond, one hundred pounds for two Grammar Schools.

The Northern District of the County of Inverness, to commence at Angus McIsaac's, number one on the shore, thence to run by the Road to Loch Ban, thence by the Waters of the Lake, western side to Ainslie Glen, and thence by the Main Road to the head of the Bay, thirty-three pounds six shillings and eight-pence for one Grammar School.

The Southern District of Inverness, comprising the remainder of the County, sixty-six pounds thirteen shillings and four-pence for two Grammar Schools.

SCHEDULE B.

Referred to in the Tenth Section of the foregoing Act.

The City of Halifax, seven hundred pounds.

The Eastern District of the County of Halifax, three hundred and eighty-nine pounds.

The Western District of the County of Halifax, three hundred and eighty-nine pounds.

The County of Lunenburg, six hundred and fifty-two pounds.

Queen's County, three hundred and ninety pounds.

- The County of Annapolis, six hundred and forty-nine pounds.**
- Kings' County, six hundred pounds.**
- The County of Pictou, one thousand one hundred and twenty-two pounds.**
- The District of the Township of Parrsborough, as described in the Schedule A, one hundred and eight pounds.**
- The District comprising the residue of the County of Cumberland, four hundred and thirty-two pounds.**
- The District of Stirling in the County of Colchester, one hundred and forty-two pounds.**
- The District comprising the residue of the County of Colchester, four hundred and seventy-nine pounds.**
- The District of Rawdon and Douglas, in the County of Hants, two hundred and thirty-two pounds.**
- The District comprising the Residue of the County of Hants, three hundred and eighty-seven pounds.**
- The District of Clare, in the County of Digby, one hundred and seventy-one pounds.**
- The District comprising the Residue of the County of Digby, three hundred and forty-two pounds.**
- The District of Yarmouth in the County of Yarmouth, two hundred and ninety-four pounds.**
- The District of Argyle in the County of Yarmouth, two hundred and fifteen pounds.**
- The District of Barrington, one hundred and ninety-five pounds.**
- The District of Shelburne, one hundred and ninety-five pounds.**
- The District of Saint Mary's, in the County of Guysborough, one hundred and twenty pounds.**
- The District comprising the remainder of the County of Guysborough, three hundred and two pounds.**
- The County of Sydney, six hundred pounds.**
- The County of Cape Breton, eight hundred and fifty-five pounds.**
- The County of Richmond, four hundred and thirty-three Do.**
- The Northern District of Inverness, as described in Schedule A, two hundred and fifty-nine pounds.**
- The Southern District of the County of Inverness, five hundred and eighteen pounds.**

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